These pin labels are depicted in Fig. 3b in conjunction with the microcontroller 282. The microcontroller does reside within the motor controller depicted in Fig. 2 but the applicant is concerned that it may be at least slightly misleading to place pin labels on the motor controller 94 when those pin labels in fact belong to the microcontroller 282 that resides within the motor controller 94. Consequently, these pin label numbers have not been added to the motor controller of Fig. 2. Instead, the description of Fig. 2 as set forth at column 3, lines 34 to 54 has been revised to indicate that the pin labels and microcontroller 282 are "(as depicted in Fig. 3b)." This should avoid any confusion on the part of a reader looking for these pin labels in Fig. 2 and otherwise places the text in full conformance with the figures without introducing any new matter.

Therefor, either by exact compliance or by alternative revisions as detailed above, the applicant respectfully submits that the drawings have been corrected as required.

The Examiner notes that, because the original drawings require correction, the applicants request to transfer drawings from the original patent to the reissue application cannot be permitted. Upon receiving approval from the Examiner as regards these proposed changes, the applicant will submit new drawings for all of the drawings.

The Examiner objected to the specification and required that "microcontroller 282" as appears at column 3, lines 51 and 53 be changed to "motor controller 94." Instead of making htis exact change, the applicant made the change to the specification as noted above to indicate that the "microcontroller 282" as already presented in the text is "is depicted in Fig. 3b." This provision should avoid any confusion on the part of the reader.

The Examiner objected to claims 15, 17, 18, 33, 35, and 36 under 35 U.S.C. 103(a) given Collier. The Examiner then applied specific teachings of Collier to claim 33 (claim 33 being treated as exemplary). Specifically, the Examiner stated that:

"c. Fig. 6d shows a limit switch, including a down limit; thus the down limit switch is a down limit detector for indicating when the garage door is moved to a closed position by the motor;

d. A timer (see abstract, line 1, which start with "a security timer, ...") enabled by the indication from said down limit detector that the garage door is closed, disposed to indicate when a preselected interval has expired..."

The applicant respectfully disagrees with this characterization of the Collier reference. While Collier does disclose a down limit switch as suggested by the Examiner, and while Collier does disclose a timer, the timer of Collier is not enabled by any indication from the down limit detector that the garage door is closed, nor does the timer otherwise indicate when a preselected interval has expired following closing of the garage door.



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Instead, the timer of Collier is responsive to an *open* door indicator and specifically indicates when a preselected interval has expired following opening of the garage door. Specific to this point, Collier teaches provision of a microswitch (18) that, "is positioned on the frame of the garage door, near the track, so that its whisker makes contact with the door when it is in its fully opened position." (Column 3, lines 7-9.) It is this microswitch that detects the open condition of the garage door and that triggers Collier's timer.

Furthermore, Collier teaches that no other door position sensor should influence the functioning of his circuit. For example, at column 3, line 3, Collier states:

"[O]nce the door is no longer in its fully opened position, said device is deactivated, since the whisker is no longer in contact with the door."

Consequently, the applicant respectfully submits that rather than teaching towards the applicants' invention as claimed, Collier teaches the opposite of that which the Examiner has set forth. Rather than detecting that the garage door is closed and then triggering a timer to indicate a preselected interval beyond the closing of the door, Collier teaches provision of an open limit detector that triggers a timer to indicate a preselected interval beyond the opening of the garage door.

These distinctions are relevant to claim 33. Claim 33 specifically provides for:

"a down limit detector, for indicating when the garage door is moved to a closed position by said motor;
a timer enabled by the indication from said down limit detector that the garage door is closed, disposed to indicate when a preselected interval has expired...".

Collier neither teaches nor suggests provision of a timer that responds to a closed door indication (in fact Collier teaches deactivation of his timer unless the garage door *remains* in a fully upright position) and further fails to teach or suggest that a timer be activated upon closing of a garage door (in fact, Collier teaches the opposite by providing for initiation of a timer countdown only upon fully opening the garage door).

The applicant therefor respectfully submits that claim 33 is readily distinguishable from the Collier reference and may be passed to allowance. The remaining rejected claims have similar distinguishing characteristics and hence avoid the Collier reference as well.

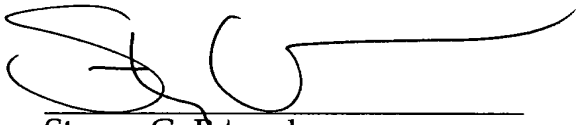
The applicant therefor respectfully submits that the rejection of claims 15, 17, 18, 33, 35, and 36 has been traversed.

The Examiner notes that the original patent has not yet been received by the United States Patent and Trademark Office. As noted by the Examiner, the applicant has offered to surrender the original, and this offer is sufficient under 37 C.F.R. §1.178(a) to support examination through allowance.

Pursuant to 37 C.F.R. §1.178(b), the applicant has an obligation to call to the attention of the United States Patent and Trademark Office any proceedings for which the patent for which reissue is requested is involved and the results of such proceedings. The applicant hereby informs the Office that U.S. Patent No. 5,780,987, the patent for which reissue is presently requested, is presently the subject of litigation, and in particular has been asserted against a third party pursuant to Count IV of The Chamberlain Group Inc. v. Wayne-Dalton Corporation (Civil Action OIC 2754 in the Northern District of Illinois Eastern Division). The defendant in that case answered on August 16, 2001. That answer includes specific allegations regarding the patent for which reissue is requested and those allegations are attached hereto. No other statements of record or any results of such proceedings otherwise exist.

The rejections and objections of record having been met, the applicant hereby respectfully requests favorable review and Notice of Allowance.

Respectfully submitted,



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